

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Robert S. Biscup  
TITLE : EXPANDABLE SPHERICAL SPINAL IMPLANT  
APPLICATION NO. : 10/801,975  
FILED : March 16, 2004  
CONFIRMATION NO. : 2554  
EXAMINER : Anuradha Ramana  
ART UNIT : 3775  
LAST OFFICE ACTION : February 3, 2009  
ATTORNEY DOCKET NO. : MEDR 2 00001

**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant(s) hereby appeal(s) to the Board to the Board of Patent Appeals and Interferences from the last decision of the Examiner mailed **February 3, 2009**.

The items checked below are appropriate:

**1. STATUS OF APPLICANT**

- ☒ This application is on behalf of other than a small entity.  
☐ Applicant(s) claim(s) small entity status. See 37 CFR 1.27. Therefore, the fee is reduced by half, and the resulting fee is listed below.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

- ☒ Large entity \$540  
☐ Small entity \$270

**3. EXTENSION OF TERM**

☐ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a \_\_\_\_\_-month extension of time up to and including \_\_\_\_\_ in which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card via EFS-Web. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308. If there are any additional fees required by this communication, please charge same to Deposit Account No. 06-0308.

4. **TOTAL FEES DUE**

The total fee due is:

Notice of Appeal Fee: \$540

Extension of Time Fee: \$

**TOTAL \$540**

5. **METHOD OF PAYMENT**

☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

Fay Sharpe LLP

April 6, 2009

Date

Brian E. Turung, Reg. No. 35,394  
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**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being

☐ deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☒ transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.

Express Mail Label No.:

Signature: *Adeline machado*

Date: April 6, 2009

Name: Adeline Machado